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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,928	03/08/2001	Richard Gong	2916-0127P	5635

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EXAMINER
RAMAN, USHA

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/800,928	GONG, RICHARD
	Examiner	Art Unit	
	Usha Raman	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _08 March 2001_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED OFFICE ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented
>
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Soma et al. (US Pre Grant Pub. 2004/0205817) in view of Tomioka et al. (US

Pat. 6,606,748).

In regards to claims 1, 13, and 19 Soma discloses a computer

implemented method of automatically updating program schedule data for

scheduled events telecast on a channel, where each event has a start time,

duration (see: page 11 claim 12, page 7 [0184]). The method comprises the step

of selecting an event that will extend beyond scheduled duration time,

automatically updating schedule information data for the event based on the

overrun information. (See: page 2 [0032], page 3 [0066], page 8[0194]-[0199])

The method lacks the step of identifying a second one of events, being the

last one, that is affected by the overrun and updating each of the subset of

events between the first and second event by the overrun time.

Tomioka shows a system where a transmitting end identifies event overrun information for a first event and a second event, being the last event affected by the overrun, where the subset of events between the first and second events are updated by that overrun time. See figures 3 (showing original program schedule), figure 4 (showing the variation data, indicating the event overruns and shift), and figure 5 (showing the reconstituted program schedule), column 20, lines 11-22, column 21, lines 33-53, and lines 1-11.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Soma's system in view of Tomioka's teachings by updating all subsequent events after the first event affected by the over run time. The motivation is to update the program guide schedule with *all* the events that have been affected by an on-air overrun event.

In further regards to claim 19, a computer-implemented method is a set of program steps when executed on a computer executes the above steps.

In regards to claim 2, the modified system of Soma in view of Tomioka shows indicating the overrun delay for *each* of the events between the first events and second event in the variation data. The modified system does not comprise the step of indicating the second event by identifying number of events relative to the first event, for which the start times will be delayed by an amount of time corresponding to the overrun. Examiner takes official notice that a delay in a program event (first event) by a time offset (i.e. overrun time) that results in delay of that time offset in for each of the subsequent program events up to a

second one of events, being the last one affected by the delay, can be indicated

by a number of events relative to the first event, affected by the overrun delay

offset. It would have been obvious to further modify the system of Soma in view

of Tomioka by indicating the second event by identifying number of events

relative to the first for which the start times will be delayed by the corresponding

overrun. The motivation is to update the start times of each of the affected

programs by simply indicating the relative number of all the events affected by

the delay, without having to manually specify the same amount of offset for each

of the affected programs in the variation data, thereby alleviating complicated

and time consuming tasks during the updating process (also see Soma: page 2

[0038], [0041]-[0044]).

In regards to claim 3, the modified system comprises selecting a channel

from a plurality of available channels (see Soma: page 1 [0002]) and displaying a

schedule about a plurality of events being displayed and selecting the first event

from the channel (see Tomioka: figs 3, 4, 5).

In regards to claim 4, the modified system displays scheduled starting date,

starting time and name of the events (see Tomioka: figs 3, 4 and 5)

In regards to claim 5, the modified system displays duration as well as end times

(see Tomioka: figs 3 and 5)

In regards to claim 6, the program schedule events are defined in plurality

of tables compliant with the DVB/SI standard. The DVB/SI standard sets the

guidelines for digital data transmission scheme. See Soma: page 5 [0115]. The

data are transmitted as objects in hierarchical table descriptors that show the

relationship between the plurality of tables and objects. Java is a well known

object oriented language for implementing the program schedule objects using

the DBV/SI protocols. It would have been obvious to one of ordinary skill in the

art at the time of the invention to modify the invention by implementing the

protocol in Java, a language optimized for object oriented data modeling. The

schedule information is further represented by copies (i.e. a proposed schedule

before registering the updated tables and a un-updated schedule) of java objects

from the database. See Soma: page 9-10, [0260]-[0264]

In regards to claim 7, by initiating a change in program schedule, entering

into the system a change in program schedule or by transmitting the schedule

with changes, all the above steps inherently require the changes to be approved

by a user at cable transmission end, prior to the transmission of data.

In regards to claims 8, and 18, the modified system uses digital terrestrial

broadcast signal compliant with DVBSI standards each event is DVB/SI EIT data,

where the event information (represented by java objects) is overwritten upon

approval. The digital broadcast signals compliant with the ATSC standards,

where each event is PSIP data.

Official notice is taken that the ATSC sets the standards used in America

for digital broadcast signals, while the DVB SI is the European standard for digital

broadcasts. Furthermore, the ATSC standard for communicating program guide

information is the PSIP.

It would have been obvious to one of ordinary skill in the art to use the

ATSC compliant PSIP for transmitting program guide information, in order to

comply with the American standards for digital transmission.

In regards to claims 9 and 10, when there is program overrun, the change

occurs in airtime, (i.e. start time, duration time) fields that are defined in the EIT.

Therefore updating the schedule with overrun data inherently requires updating

the time fields (start and duration fields) in the EIT.

In regards to claims 12 and 14, the second event is the last event to be

updated; therefore there is no change to the end time of the second event (i.e.

start time is delayed, but end time remains the same). The program length in

effect is shortened. The event therefore has to be truncated. This scenario is

illustrated in Tomioka figure 5, where the news program event is truncated from

duration of 30 minutes to 15 minutes.

In regards to claims 11 and 15, the modified system does not comprise

the steps of changing the end time of the second event by shifting the last of the

plurality of events affected by the overrun in its entirety. Official Notice is taken

that it is well known for broadcasters to change the end time of a second event

whose duration cannot be truncated. It would have been obvious to one of

ordinary skill in the art to further modify the system by shifting the second event

in its entirety, when the event cannot be truncated, thereby allowing the viewer to

see the second event (i.e. the last of the overrun event) in its entirety. Upon

shifting the second event in its entirety, the end time of the second program in addition to the start time is affected by the overrun time.

In regards to claim 16, the telecast is a digital broadcast.

In regards to claim 17, the DVB sets the standards for digital terrestrial broadcast. Therefore, the digital television broadcast can be a terrestrial network.

3. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Soma et al. (US Pre Grant Pub. 2004/0205817) in view of Tomioka et al. (US Pat. 6,606,748) as applied to claim 1 above, and further in view of Sugai (US Pre Grant Pub. 2003/0208760).

In regards to claim 20, the modified system uses a DVB-SI generator for generating data to be transmitted in compliance with DVB standards. Sugai discloses a PSIP generator, for generating new PSIP tables in response to program schedule updates. See abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system, by employing a PSIP generator for transmission of program schedules in compliant with the ATSC standards.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

UR
12-13-04

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